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OFFICE OF PETITIONS

In re Application of :
Naito, et al. :
Application No. 10/618,027 : DECISION ON PETITION
Filed: July 14, 2003 :
Attorney Docket No. 00862.003098.1 :

This is a decision on the "PETITION FOR CORRECTED FILING DATE", filed November 23, 2005, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of July 14, 2003, with pages 150, 166, and 167 of the specification as part of the original disclosure.

The petition is GRANTED.

Application papers in the above-identified application were filed on July 14, 2003. However, on September 1, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Omitted Item(s) in a Nonprovisional Application". Applicants were notified that the application papers had been accorded a filing date; however, pages 150, 166, and 167 of the specification appeared to have been omitted. The Notice gave applicants three options to respond: (1) contend by way of petition that the missing pages were in fact present on filing; (2) supply the missing items and accept their date of submission as the application filing date; or (3) take no action, which would be treated as constructive acceptance by applicants of the application as filed.

In response, applicants filed the missing pages of specification on September 14, 2004. The application was appropriately accorded the September 14, 2004 filing date.

With the instant petition, applicants now contend that pages 150, 166, and 167 of the specification were present on filing. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Specification, claims and abstract 181 pages" as enclosed, bearing a United States Patent and Trademark Office date-stamp of July 14, 2003, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

The application is being forwarded to the Office of Initial Patent Examination (OIPÉ) for further processing with a filing date of July 14, 2003, using the application papers received in the Office on that date and pages 150, 166, and 167 of the specification as filed September 14, 2004 (and resupplied with the petition filed November 23, 2005).

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions